

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.1
Eastern Division**

Kathy Harts

Plaintiff,

v.

Case No.: 1:14-cv-03566

Honorable Rebecca R. Pallmeyer

Kathy Welker, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, June 20, 2014:

MINUTE entry before the Honorable Rebecca R. Pallmeyer: For reasons explained in an order dated May 16, 2014, this court dismissed Kathy Harts's initial complaint but granted leave to file an amended complaint. Ms. Harts did so, but the amended pleading suffers from the same inadequacies that the court identified earlier: although Ms. Hart makes reference to the Americans with Disabilities Act, and has adequately alleged a disability, she has not suggested that she is capable, despite the disability, of carrying out her employment with the Defendant, Illinois Healthcare and Family Services. To the contrary, she was away from that job and out of the state for an extended period. An individual who is unable, with or without a reasonable accommodation, to perform the essential functions of her job is not protected by the ADA. Ms. Harts real concern appears to be the denial of certain disability benefits to which she believes she is entitled. She has alleged (as the court understands her submission) that state officials made unreasonable demands for certification of her condition. She asserts, further, that when she received a lump sum Social Security distribution (on an unidentified date), Defendant officials requested that she reimburse a state program from that lump sum payment. Ms. Harts believes the request is improper. She has alleged, further, that on an unstated date, she filed a race discrimination case against the Illinois Gaming Board. Though Ms. Harts appears to believe Defendants have retaliated against her as a result, she does not allege that any of Defendants were aware of the case against the Illinois Gaming Board, nor does she suggest any basis for the conclusion that decisions regarding her disability benefits related to the Illinois Gaming Board case. Again, if Ms. Harts believes Defendants have denied her disability benefits to which she is entitled, such a claim arises under state law, not federal law. The amended complaint is dismissed, and this case is terminated. Civil case terminated. Mailed notice(etv,)

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